

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nicholas Popadiuk et al.

Filed : November 26, 2003

For : PROSTHETIC REPAIR DEVICE

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November 26, 2003

(Date of Deposit)

Blossom E. Loo

(Name of applicant, assignee, or Registered Representative)

(Signature)

November 26, 2003

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with \$1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

☐ In accordance with \$1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with \$1.97(e) (attached);
or
- ☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth in
\$1.17(p).

☐ In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with \$1.97(e) (attached);
or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage

under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

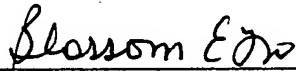
☒ The relevance of those listed references which are not in the English language is as follows: EP 1 099 421 - See English Abstract attached.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH5113/BEL. This form is submitted in triplicate.

Respectfully submitted,



Blossom E. Loo
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Attorney for Applicants

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New Brunswick, NJ 08933-7003
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DATED: November 26, 2003

Substitute for form 1449A/PT

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number

Filing Date

November 26, 2003

First Named Inventor

Nicholas Popadiuk

Group Art Unit

Examiner Name

Attorney Docket Number

ETH-5113

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5593441		Lichtenstein et al.	01/14/1997	
		6120539		Eldridge et al.	09/19/2000	
		6319264	B1	Tormala et al.	11/20/2001	
		2003/0040809	A1	Goldmann et al.	02/27/2003	
		6264702	B1	Ory et al.	07/24/2001	
		6270530	B1	Eldridge et al.	08/07/2001	
		6383201	B1	Dong	05/07/2002	
		6447551	B1	Goldmann	09/10/2002	
		6451032	B1	Ory et al.	09/17/2002	
		2002/0143403	A1	Vaidyanathan et al.	10/03/2002	
		2003/0078602	A1	Rousseau	04/24/2003	
		5990378		Ellis	11/23/1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	01 15625	A	Ethicon GmbH	03/08/2001		X
		EP	1 099 421	A	Inst. Deutsche	05/16/2001		
		WO	03/041613	A1	Ethicon GmbH	05/22/2003		X

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Application Number**Filing Date**

November 26, 2003

First Named Inventor

Nicholas Popadiuk

Group Art Unit**Examiner Name****Attorney Docket Number**

ETH-5113

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		Number	Kind Code ² (if known)			
		5002551		Linsky et al.	03/26/1991	
		5007916		Linsky et al.	04/16/1991	
		5695525		Mulhauser et al.	12/09/1997	
		5725577		Saxon	03/10/1998	
		5743917		Saxon	04/28/1998	
		5766246		Mulhauser et al.	06/16/1998	
		5791352		Reich et al.	08/11/1998	
		6031148		Hayes et al.	02/29/2000	
		6258124	B1	Darois et al.	07/10/2001	
		2002/0052654	A1	Darois et al.	05/02/2002	
		2003/0120745	A1	Cherok et al.	07/10/2003	
		5686090	A	Schilder et al.	11/11/1997	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. ⁶ If possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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